

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 421

99TH GENERAL ASSEMBLY

2017

1876S.06T

AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof two new sections relating to the conveyance of state property.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 37.005, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 37.005 and 1, to read as follows:

37.005. 1. Except as provided herein, the office of administration shall be
2 continued as set forth in house bill 384, seventy-sixth general assembly and shall
3 be considered as a department within the meaning used in the Omnibus State
4 Reorganization Act of 1974. The commissioner of administration shall appoint
5 directors of all major divisions within the office of administration.

6 2. The commissioner of administration shall be a member of the
7 governmental emergency fund committee as ex officio comptroller and the director
8 of the department of revenue shall be a member in place of the director of the
9 division of facilities management, design and construction.

10 3. The office of administration is designated the "Missouri State Agency
11 for Surplus Property" as required by Public Law 152, eighty-first Congress as
12 amended, and related laws for disposal of surplus federal property. All the
13 powers, duties and functions vested by sections 37.075 and 37.080, and others,
14 are transferred by type I transfer to the office of administration as well as all
15 property and personnel related to the duties. The commissioner shall integrate
16 the program of disposal of federal surplus property with the processes of disposal
17 of state surplus property to provide economical and improved service to state and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 local agencies of government. The governor shall fix the amount of bond required
19 by section 37.080. All employees transferred shall be covered by the provisions
20 of chapter 36 and the Omnibus State Reorganization Act of 1974.

21 4. The commissioner of administration shall replace the director of
22 revenue as a member of the board of fund commissioners and assume all duties
23 and responsibilities assigned to the director of revenue by sections 33.300 to
24 33.540 relating to duties as a member of the board and matters relating to bonds
25 and bond coupons.

26 5. All the powers, duties and functions of the administrative services
27 section, section 33.580 and others, are transferred by a type I transfer to the
28 office of administration and the administrative services section is abolished.

29 6. The commissioner of administration shall, in addition to his or her
30 other duties, cause to be prepared a comprehensive plan of the state's field
31 operations, buildings owned or rented and the communications systems of state
32 agencies. Such a plan shall place priority on improved availability of services
33 throughout the state, consolidation of space occupancy and economy in operations.

34 7. The commissioner of administration shall from time to time examine
35 the space needs of the agencies of state government and space available and
36 shall, with the approval of the board of public buildings, assign and reassign
37 space in property owned, leased or otherwise controlled by the state. Any other
38 law to the contrary notwithstanding, upon a determination by the commissioner
39 that all or part of any property is in excess of the needs of any state agency, the
40 commissioner may lease such property to a private or government entity. Any
41 revenue received from the lease of such property shall be deposited into the fund
42 or funds from which moneys for rent, operations or purchase have been
43 appropriated. The commissioner shall establish by rule the procedures for leasing
44 excess property.

45 8. The commissioner of administration is hereby authorized to coordinate
46 and control the acquisition and use of network, telecommunications, and data
47 processing services in the executive branch of state government. For this
48 purpose, the office of administration will have authority to:

49 (1) Develop and implement a long-range computer facilities plan for the
50 use of network, telecommunications, and data processing services in Missouri
51 state government. Such plan may cover, but is not limited to, operational
52 standards, standards for the establishment, function and management of service
53 centers, coordination of the data processing education, and planning standards

54 for application development and implementation;

55 (2) Approve all additions and deletions of network, telecommunications,
56 and data processing services hardware, software, and support services, and
57 service centers;

58 (3) Establish standards for the development of annual data processing
59 application plans for each of the service centers. These standards shall include
60 review of post-implementation audits. These annual plans shall be on file in the
61 office of administration and shall be the basis for equipment approval requests;

62 (4) Review of all state network, telecommunications, and data processing
63 services applications to assure conformance with the state information systems
64 plan, and the information systems plans of state agencies and service centers;

65 (5) Establish procurement procedures for network, telecommunications,
66 and data processing services hardware, software, and support service;

67 (6) Establish a charging system to be used by all service centers when
68 performing work for any agency;

69 (7) Establish procedures for the receipt of service center charges and
70 payments for operation of the service centers.

71 The commissioner shall maintain a complete inventory of all state-owned or -
72 leased network, telecommunications, and data processing services equipment, and
73 annually submit a report to the general assembly which shall include starting
74 and ending network, telecommunications, and data processing services costs for
75 the fiscal year previously ended, and the reasons for major increases or variances
76 between starting and ending costs. The commissioner shall also adopt, after
77 public hearing, rules and regulations designed to protect the rights of privacy of
78 the citizens of this state and the confidentiality of information contained in
79 computer tapes or other storage devices to the maximum extent possible
80 consistent with the efficient operation of the office of administration and
81 contracting state agencies.

82 9. Except as provided in subsection 12 of this section, the fee title to all
83 real property now owned or hereafter acquired by the state of Missouri, or any
84 department, division, commission, board or agency of state government, other
85 than real property owned or possessed by the state highways and transportation
86 commission, conservation commission, state department of natural resources, and
87 the University of Missouri, shall on May 2, 1974, vest in the governor. The
88 governor may not convey or otherwise transfer the title to such real property,
89 unless such conveyance or transfer is first authorized by an act of the general

90 assembly. The provisions of this subsection requiring authorization of a
91 conveyance or transfer by an act of the general assembly shall not, however,
92 apply to the granting or conveyance of an easement **for any purpose** to any
93 **political subdivision of the state; a rural electric cooperative as defined in**
94 **chapter 394[, municipal corporation, quasi-governmental corporation owning or**
95 **operating a public utility, or]; a public utility, except [railroads] a railroad, as**
96 **defined in chapter 386; or to accommodate utility service, including**
97 **electrical, gas, steam, water, sewer, telephone, internet, or similar**
98 **utility service, extended upon or provided to state property or**
99 **facilities; to accommodate rights of access, ingress and egress on or to**
100 **any state property or facilities; or to facilitate the construction,**
101 **location, relocation, or use of any common elements of condominium**
102 **property if the state is a unit owner within the condominium**
103 **development.** The governor, with the approval of the board of public buildings,
104 may, upon the request of any state department, agency, board or commission not
105 otherwise being empowered to make its own transfer or conveyance of any land
106 belonging to the state of Missouri which is under the control and custody of such
107 department, agency, board or commission, grant or convey without further
108 legislative action, for such consideration as may be agreed upon, easements
109 across, over, upon or under any such state land to any **political subdivision of**
110 **the state; a rural electric cooperative[,]** as [governed] **defined** in chapter 394[,
111 municipal corporation, or quasi-governmental corporation owning or operating a
112 public utility, or]; a public utility, except **a railroad, as defined in chapter 386;**
113 **or to accommodate utility service, including electrical, gas, steam,**
114 **water, sewer, telephone, internet, or similar utility service, extended**
115 **upon or provided to state property or facilities; to accommodate rights**
116 **of access, ingress and egress on or to state property or facilities; or to**
117 **facilitate the construction, location, relocation, or use of any common**
118 **elements of condominium property if the state is a unit owner within**
119 **the condominium development.** The easement shall be for the purpose of
120 promoting the general health, welfare and safety of the public and shall include
121 the right of **access, ingress or egress** for the purpose of constructing, maintaining
122 or removing any **street, roadway, sidewalk, public right-of-way or**
123 **thoroughfare, pipeline, power line, gas line, water or steam line, telephone**
124 **line, internet cable, sewer line, or other similar [public utility] installation or**
125 any equipment or appurtenances necessary to the operation thereof[.]; except

126 that, a railroad as defined in chapter 386 shall not be included in the provisions
127 of this subsection unless such conveyance or transfer is first authorized by an act
128 of the general assembly. The easement shall be for such consideration as may be
129 agreed upon by the parties and approved by the board of public buildings. The
130 attorney general shall approve the form of the instrument of conveyance. The
131 commissioner of administration shall prepare management plans for such
132 properties in the manner set out in subsection 7 of this section.

133 10. The commissioner of administration shall administer a revolving
134 "Administrative Trust Fund" which shall be established by the state treasurer
135 which shall be funded annually by appropriation and which shall contain moneys
136 transferred or paid to the office of administration in return for goods and services
137 provided by the office of administration to any governmental entity or to the
138 public. The state treasurer shall be the custodian of the fund, and shall approve
139 disbursements from the fund for the purchase of goods or services at the request
140 of the commissioner of administration or the commissioner's designee. The
141 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse,
142 unless and then only to the extent to which the unencumbered balance at the
143 close of any fiscal year exceeds one-eighth of the total amount appropriated, paid,
144 or transferred to the fund during such fiscal year, and upon approval of the
145 oversight division of the joint committee on legislative research. The
146 commissioner shall prepare an annual report of all receipts and expenditures
147 from the fund.

148 11. All the powers, duties and functions of the department of community
149 affairs relating to statewide planning are transferred by type I transfer to the
150 office of administration.

151 12. The titles which are vested in the governor by or pursuant to this
152 section to real property assigned to any of the educational institutions referred
153 to in section 174.020 on June 15, 1983, are hereby transferred to and vested in
154 the board of regents of the respective educational institutions, and the titles to
155 real property and other interests therein hereafter acquired by or for the use of
156 any such educational institution, notwithstanding provisions of this section, shall
157 vest in the board of regents of the educational institution. The board of regents
158 may not convey or otherwise transfer the title to or other interest in such real
159 property unless the conveyance or transfer is first authorized by an act of the
160 general assembly, except as provided in section 174.042, and except that the
161 board of regents may grant easements over, in and under such real property

162 without further legislative action.

163 13. Notwithstanding any provision of subsection 12 of this section to the
164 contrary, the board of governors of Missouri Western State University, University
165 of Central Missouri, Missouri State University, or Missouri Southern State
166 University, or the board of regents of Southeast Missouri State University,
167 Northwest Missouri State University, or Harris-Stowe State University, or the
168 board of curators of Lincoln University may convey or otherwise transfer for fair
169 market value, except in fee simple, the title to or other interest in such real
170 property without authorization by an act of the general assembly.

171 14. All county sports complex authorities, and any sports complex
172 authority located in a city not within a county, in existence on August 13, 1986,
173 and organized under the provisions of sections 64.920 to 64.950, are assigned to
174 the office of administration, but such authorities shall not be subject to the
175 provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus State
176 Reorganization Act of 1974, Appendix B, RSMo, as amended.

177 15. All powers, duties, and functions vested in the administrative hearing
178 commission, sections 621.015 to 621.205 and others, are transferred to the office
179 of administration by a type III transfer.

**Section 1. 1. The director of the department of natural resources
2 is hereby authorized and empowered to sell, transfer, grant, convey,
3 remise, release, and forever quitclaim to all interest of the department
4 of natural resources in property located in Jackson County, Missouri,
5 to the City of Independence. The property to be conveyed is more
6 particularly described as follows:**

7 **TRACT I:**

8 **All of Lots 5, 8, 9 and 12, Catherine Atkins Subdivision of
9 Lot 7 of Woodson's Subdivision of Lots 93, 130, 131 and 142,
10 OLD TOWN OF INDEPENDENCE, a Subdivision in
11 Independence, Jackson County, Missouri, lying North of
12 the Lexington Branch of the Missouri Pacific Railroad.**

13 **TRACT III:**

14 **All of the West half of Lot 141, OLD TOWN OF
15 INDEPENDENCE, a Subdivision in Independence, Jackson
16 County, Missouri, lying North of the Lexington Branch of
17 the Missouri Pacific Railroad.**

18 **TRACT IV:**

19 All of the South 281 1/2 feet of the East ahlf of Lot 141, OLD
20 TOWN OF INDEPENDENCE, a Subdivision in
21 Independence, Jackson County, Missouri, except the South
22 166 1/2 feet thereof and except ALL that part of Lot
23 141. OLD TOWN INDEPENDENCE, a Subdivision in
24 Independence, Jackson County, Missouri, described as
25 follows: Commencing at the Southeast corner of said Lot
26 141; thence North along the East line of said Lot 141, a
27 distance of 166 1/2 feet to the true point of beginning;
28 thence continuing North along said East line of said Lot
29 141, a distance of 115 feet; thence West 100 feet; thence
30 South 115 feet; thence East to the point of beginning,
31 according to the recorded plat thereof.

32 TRACT V:

33 All of the West half of Lot 141, OLD TOWN OF
34 INDEPENDENCE, a Subdivision in Independence, Jackson
35 County, Missouri, lying South of the Lexington Branch of
36 the Missouri Pacific Railroad, except the South 166 1/2 feet
37 thereof.

38 TRACT II:

39 All of Lot 12, Catherine Atkins Subdivision of Lot 7 of
40 Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD
41 TOWN OF INDEPENDENCE, a Subdivision in
42 Independence, Jackson County, Missouri lying South of the
43 Lexington Branch of Missouri Pacific Railroad.

44 TRACT VI:

45 All of the South 166 1/2 feet of Lot 141, OLD TOWN OF
46 INDEPENDENCE, a Subdivision in Independence, Jackson
47 County, Missouri, except the South 30 feet thereof in
48 street.

49 Eugene L. Selders and Monica T. Selders were husband
50 and wife when they acquired title to the premises in
51 question and remained husband and wife, continuously,
52 never having been dicorced, until the date of his death on
53 June24, 1979 at Kansas City, Jackson County, Missouri.

54 2. The director of the department of natural resources shall set
55 the terms and conditions for the conveyance as the commissioner

56 **deems reasonable. Such terms and conditions may include, but are not**
57 **limited to, the number of appraisals required and the time, place, and**
58 **terms of the conveyance.**

59 **3. The attorney general shall approve the form of the instrument**
60 **of conveyance.**

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